

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

IN RE JURO SYSTEM, INC.,

Case No. 3:25-CV-00275-MMD-CLB

**ORDER RE MOTION TO QUASH
SUBPOENAS**

[ECF No. 1]

Pending before the Court is Cosimo Constantino's and Clarissa Constantino's (collectively "Petitioners") motion to quash subpoena. (ECF No. 1.) On May 21, 2025, the Securities Exchange Commission ("SEC") issued subpoenas to US Bank NA and Wells Fargo Bank NA to obtain the Constantino's' personal financial records. (*Id.*) The SEC seeks the records as part of their investigations of securities law violations by Juro System, Inc., which Cosimo Constantino previously served as a director. (*Id.*) Unlike the typical motions to quash subpoenas within typical civil litigation pursuant to Fed. R. Civ. P. 45(d)(3), the motion to quash was filed pursuant to 12 U.S.C. § 3410(a).

Petitioner seeks relief pursuant to the Right to Financial Privacy Act of 1978 ("RFPA"), which permits challenges by customers of financial institutions to government subpoenas. See 12 U.S.C. § 3410(a). The RFPA was enacted by Congress in response to the United States Supreme Court's ruling in *United States v. Miller*, 425 U.S. 435 (1976), which held that bank customers had no Fourth Amendment right to privacy for financial information held by financial institutions. See, e.g., *In re Blunden*, 896 F. Supp. 996, 999 (C.D. Cal. 1995). The RFPA requires federal government agencies to provide banking customers with notice and an opportunity to object before a bank can disclose personal financial information to the federal government agency. See 12 U.S.C. §§ 3401-3402.

Challenges brought under the RFPA proceed in two steps. The Court first analyzes whether the movant complied with the procedural requirements for seeking relief as established in 12 U.S.C. § 3410(a). That section establishes the timing requirements for

1 seeking relief, the service requirements of the request for relief, and the manner in which
2 the challenge is made. See *id.* For example, the statute requires the motion include an
3 affidavit or sworn statement that: (1) the applicant is a customer of the financial institution
4 from which financial records pertaining to him have been sought, and (2) the applicant's
5 reasons for believing that the financial records sought are not relevant to a legitimate law
6 enforcement inquiry or that there has otherwise not been substantial compliance with this
7 law. *Id.* "The first step in the Court's analysis is generally a screening of the motion to
8 ensure that it complies with procedural requirements." *Arthur v. United States Sec. &*
9 *Exch. Comm'n*, No. 2:20-CV-00158-GMN-NJK, 2020 WL 4498468, at *3 (D. Nev. May
10 20, 2020).

11 After this initial inquiry is completed, the Court "shall order the Government
12 authority to file a sworn response, which may be filed in camera if the Government
13 includes in its response the reasons which make in camera review appropriate." 12 U.S.C.
14 § 3410(b). At this stage, the RFPA "narrowly constrains the range of decisions which the
15 Court may make with regard to motions to quash." *Blunden*, 896 F. Supp. at 999 (citing
16 *Collins v. Commodity Futures Trading Comm.*, 737 F. Supp. 1467, 1478 (N.D. Ill. 1990)).
17 There are only three relevant questions for the court to consider: "(1) Is there a legitimate
18 law enforcement inquiry; (2) are the subpoenaed bank records relevant to the inquiry; and
19 (3) has the government agency complied with the requirements of the RFPA?" *Id.* When
20 this two-step process is followed, the Court will issue an order within seven days of the
21 filing of the Government's responsive brief. See 12 U.S.C. § 3410(b).

22 Upon review of the petition, the Court finds the Petitioners have complied with
23 § 3410(a). The Petitioners state they are customers of the financial institutions from which
24 the SEC is seeking financial records. (ECF No. 1 at 4, 6.) The Petitioners assert that Juro
25 System Inc. was dissolved and never made a public offering of securities, failed to raise
26 funds, and never had cash revenues. (*Id.*) Section 3410(a) does not require the Court to
27 determine if such a reason is legitimately relevant, only that such an assertion was stated
28 within the motion to quash. The motion to quash subpoenas was made within fourteen

1 days of the date of subpoena. (*Id.*) The Petitioners certify they have “mailed or delivered
2 a copy” their motion to the financial institutions as well as the proper individuals at the
3 SEC. (ECF No. 1 at 26-29.)

4 Accordingly, pursuant to 12 U.S.C. § 3410(b), the Court **ORDERS** the SEC to file
5 a sworn response to Petitioner’s motion to quash subpoenas, within 14 days from the
6 date of this Order.

7 **IT IS SO ORDERED.**

8 **DATED:** June 30, 2025



9 **UNITED STATES MAGISTRATE JUDGE**